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10/081,125	02/21/2002	Mark A. Angel	1546.013US1	8540
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.			WINTER, JOHN M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/081,125

Applicant(s)

ANGEL ET AL.

Examiner

John M. Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,13-15,37,55,69,70,73 and 76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2, 13,14,15,37,55,69,70,73 and 76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 17 and 19-24 drawn to a CRM system, classified in class 705 subclass 1.
 - II. Claim 51 drawn to a CRM content provider system, classified in class 705 subclass 1.
 - III. Claim 62 is drawn to a CRM system, classified in class 705 subclass 1.
 - IV. Claims 1, 13,14,15,37,55,69,70,73 and 76 drawn to operating a content provider system classified in class 705 subclass 1.

Inventions I -IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention I does not require the particular features of any of the other embodiments such as knowledge map (invention II), a telephone (invention III) or a user query (Invention IV). Similarly Invention II does not require the particulars of inventions I, III or IV etc...

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Examiner notes that it would be a burden to search multiple inventions given their separate status in the art as noted above.

The requirement is deemed proper and therefore made FINAL.

Via the paper filed on May 14, 2007 the applicant has elected the examination of invention IV directed towards claims 1, 13,14,15,37,55,69,70,73 and 76. Affirmation of this election must be made by applicant in replying to this Office action. Claims 17,19-24,51 and 62 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claims 1,2, 13,14,15,37,55,69,70,73 and 76 are pending.

Response to Arguments

The Applicants arguments filed on May 14, 2007 have been fully considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,37 and 69 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. These claims recite phrases such as "substantially independently", "deemed likely relevant", these phrases are indefinite and pose no limitation upon the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 13,14,15,37,55,69,70,73 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tou et al. (US Patent 4,930,071).

As per claim 1

Tou et al. ('071) discloses A computer-assisted method of operating a contentprovider in a customer relationship management (CRM) system, the method including:
mapping first content to concept nodes of an automated CRM first content provider hosted by a first entity;(Column 4, lines 37-57)

initiating a user session with the first content provider; receiving from the user a user query pertaining to the user's needs; carrying out a user-provider dialog between the user and the first content provider to confirm that a concept node is likely relevant to the user's needs, the confirmed concept node including a calling link to a second content provider hosted by a second entity, different from the first entity, and the second content provider including second content managed substantially independently from the first content of the first content provider; (Column

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7, lines 6-49; Figure 1)

Tou et al. ('071) discloses the claimed invention except for “using the first content provider for calling the second content provider to retrieve a portion of the second content that is deemed likely relevant to the user's needs“, It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a second content provider, content etc., since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 15, 37, 55 and 69 are in parallel with claim 1 and are rejected for at least the same reason.

As per claim 2

Tou et al. ('071) discloses The method of claim 1,

Official Notice is taken that “the first and second entities are respective different first and second business enterprises.” is common and well known in prior art in reference to entities. It would have been obvious to one having ordinary skill in the art at the time the invention was made that two entities would be different.

As per claim 13

Tou et al. ('071) discloses The method of claim 1,

further including carrying out a user-provider dialog between the user and the second content provider to confirm that a concept node of the second content provider is likely relevant

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to the user query.(Column 7, lines 6-49; Figure 1)

Tou et al. ('071) discloses the claimed invention except for “ second content provider “, It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a second content provider, content etc., since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claim 14

Tou et al. ('071) discloses The method of claim 13, further including returning content, which is likely relevant to the user query, from the second content provider to at least one of the first content provider and the user.(Figure 1)

Tou et al. ('071) discloses the claimed invention except for “ second content provider “, It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a second content provider, content etc., since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claims 70 and 71

Tou et al. ('071) discloses The method of claim 1, Official Notice is taken that “the user session to an interface for interacting with a human customer service representative” is common and well known in prior art in reference to customer service. It would have been obvious to one having ordinary skill in the art at the time the

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invention was made that an actual human customer service representative would be utilized in order to resolve the consumers problem or generate a report..

As per claim 76

Tou et al. ('071) discloses The method of claim 13, further including providing an indication of content at the portal based at least in part on previous user sessions of users associated with the second entity.(Figure 1)

Tou et al. ('071) discloses the claimed invention except for “ second entity “, It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a second content provider, content etc., since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Also in accordance with *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002), the Examiner finds that Nathan J. Muller's Desktop Encyclopedia of the

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Internet, ("Desktop Encyclopedia") is additional evidence of what is basic knowledge or common sense to one of ordinary skill in this art. Muller's Desktop Encyclopedia is a practical reference that clearly explains Internet services, applications, protocols, access methods, development tools, administration and management, standards, and regulations. Because of the reference's basic content (which is self-evident upon examination of the reference) and after further review of the entire record including the prior art now of record in conjunction with the factors as discussed in MPEP §2141.03 (where practical), the Examiner finds that the Desktop Encyclopedia is primarily directed towards those of low skill in this art. Because the reference is directed towards those of low skill in this art, the Examiner finds that one of ordinary skill in this art must—at the very least—be aware of and understand the knowledge and information contained within the Desktop Encyclopedia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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Patent Examiner -- 3621


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